

REMARKS

These remarks are in response to the Office Action mailed December 8, 2003. Claims 4-8 and 21 have been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any continuation, continuation-in-part, or other application. Claims 1-3, 9-14, 15-20 and 22 are pending. Claims 1, 9, 15-20 and 22 have been amended. No new matter has been added. Applicants request reconsideration of the present application.

I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-4 and 6-22 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the recitation of "selectively" or "specifically". This rejection is moot with respect to canceled claims 4, 6-8 and 21. While Applicants traverse this rejection, Applicants note that the recitation of "selectively" and "specifically" have been deleted from the claims. Applicants believe that these amendments render the rejection moot with regard to independent claims 1 and 9 and the claims which depend therefrom. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1-19, 21, and 22 stand rejected under 35 U.S.C. §112, second paragraph as allegedly failing to set forth the subject matter which applicant(s) regard as their invention. This rejection is moot with respect to canceled claims 4-8 and 21. The claims have been amended to set forth that the antibody does not bind sequence that might be added to a polypeptide of

the invention, such as an epitope tag. Applicants respectfully request withdrawal of the rejection.

II. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-8 and 15, 16, and 21 stand rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. This rejection is moot with respect to canceled claim 4-8 and 21. Applicants respectfully traverse this rejection.

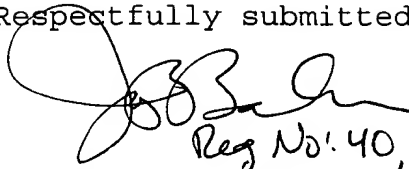
The Office Action alleges that the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Office Action alleges that the claims are directed to protein sequence whose precise composition is not known and not predictable. Applicants respectfully submit that each of Applicants' claims include structure and in some claims both structure and function associated with the polypeptide to which such antibodies bind. For example, claim 1 recites that the antibody binds to polypeptides that have homology to SEQ ID NO:2 (structural) and that result in a particular functional consequence (function). Accordingly, the antibody cannot bind to a family of unknown proteins but rather binds to proteins that have a particular structure and function. Accordingly, Applicants respectfully request withdrawal of the §112, first paragraph rejection.

In summary, for the reasons set forth herein, Applicants maintain that claims 1-3, 9-14, 15-20 and 22 clearly and patentably define the invention. Applicants request that the Examiner reconsider the various grounds set forth in the Office Action and allow the claims which are now pending. No fees are

believed due. Please apply any charges or credits to Deposit
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Respectfully submitted,

Date: 2/24/04


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